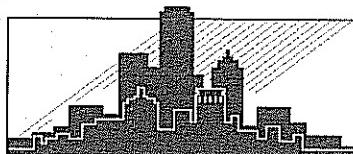


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July 14, 2011

**VIA ECF**

Chief Magistrate Judge Arthur J. Boylan  
United States District Court  
300 South Fourth Street  
Minneapolis, MN 55415

Re: *Britton, et al. v. Ritchie, et al.*  
Court File No. 11-cv-93 PJS/AJB

Judge Boylan:

It has just been brought to my attention that the procedure that Plaintiffs have requested this Court to follow, i.e. (1) to declare the current Minnesota Congressional and state legislative districts to be unconstitutional and may not be used for any purpose, (2) to adopt redistricting criteria, and (3) to set a timetable for all state agencies, including the state courts, to finalize congressional and legislative plans, in time for this Court to act if the state does not, has already been approved by the United States Supreme Court.

In *Smith v. Clark*, 189 F.Supp. 2d 502 (S.D. MS 2001), affirmed *sub nom Branch v. Smith*, 538 U.S. 254, 259-262, 123 S.Ct. 1429 (2003), the three-judge federal district court did set a timeline precisely as Plaintiffs ask this Court to do. Although that timeline at first appears to have been more leisurely than Plaintiffs ask (i.e. January 7, 2001), Plaintiffs note that the motion to proceed was not heard until November 30, 2001. In other words, the state authorities were given 38 days to act. In this case, more than 38 days have already expired since Plaintiffs' motion was heard. Since the June 1, 2011 appointment of a state court panel, the state authorities have taken no steps in the redistricting process. Plaintiffs therefore respectfully request a ruling on their motion. Cf. *Cano v. Davis*, 191 F.Supp.2d 1140, 1142 (C.D. CA 2002).

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This Court should determine that (1) the 2001 legislative and congressional districts are invalid and may not be used for any purpose, (2) adopt criteria for legislative and congressional redistricting by this Court, and (3) set a timetable for the state authorities to act. Plaintiffs respectfully request a November 30, 2011 deadline. These requests relate only to constitutional liability issues, not to ultimate remedy and, hence, do not violate the principles of *Grove v. Emison*, 507 U.S. 25, 37 (1993), which case requires deferral, not abstention.

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